IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE A.K.BASHEER

THURSDAY, THE 12TH JULY 2007 / 21ST ASHADHA 1929

WP(C).No. 32752 of 2006(Y)

PETITIONER:

P.J. VARKEY,
PULLAT HOUSE, CHEMBANODU P.O.,
PERUVANNAMUZHI VIA., CALICUT DIST.

(H.S.A. CRESCENT HIGH SCHOOL, ADAKKAKUNDU, KALIKAVU)
(UNDER SUSPENSION)

BY ADV. SRI.SIVAN MADATHIL

RESPONDENTS:

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1. DISTRICT EDUCATIONAL OFFICER,
OFFICE OF THE DISTRICT EDUCATIONAL OFFICE,
WANDOOR, MALAPPURAM DISTRICT.

2. THE DEPUTY DIRECTOR OF EDUCATION,
OFFICE OF THE DEPUTY DIRECTOR OF EDUCATION,
MALAPPURAM.

3. THE MANAGER,
CRESCENT HIGH SCHOOL, ADAKKAKKUNDU, KALIKAVU,
MALAPPURAM DISTRICT, PIN-676525.

4. THE HEADMASTER,
CRESCENT HIGH SCHOOL, ADAKKAKKUNDU, KALIKAVU,
MALAPPURAM DISTRICT, PIN-676525.

BY ADV. SRI.R.RAMADAS
SMT.SUSAN JACOB
SRI.MANJERI SUNDERRAJ
SRI.B.PREMNATH (E)

SR.GOVT.PLEADER SMT.M.R.SREELATHA.

THIS WRIT PETITION (CIVIL) HAVING B EEN FINALLY HEARD ON 12/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX (WP.32752/2006)

EXT.P1: TRUE PHOTOCOPY OF LETTER DT. 19/10/2004 FROM 4TH RESPONDENT TO PETR.

EXT.P2: TRUE PHOTOCOPY OF REPRESENTATION DT. 9/11/2004 OF PETR.

EXT.P3: TRUE PHOTOCOPY OF REGISTERED NOTICE DT. 22/11/2004.

EXT.P4: TRUE COPY OF APPEAL REPRESENTATION BY PETR. DT. 26/9/2005.

EXT.P5: TRUE COPY FO ORDER DT. 21/11/2006.

EXT.P6: TRUE COPY FO TELEGRAM DT,. 16/11/2006.

A.K. Basheer, J.

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W.P(C) No. 32752 of 2007

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Dated this the 12th day of July, 2007.

J U D G M E N T

Having heard learned counsel for the parties and having perused the materials placed on record, I am of the view that it will be in the interest of all concerned to dispose of this writ petition without referring to the rival contentions.

2. Petitioner who is a High School Assistant in an Aided School, has remained under suspension since September 13, 2004. It is true that he is getting subsistence allowance now and that too at the intervention of this Court. But as far as any employee is concerned, suspension from service carries with it the inevitable agony and anguish. It is the contention of the petitioner that he has been at the receiving end throughout. Adding to his agony is the fact that his wife who is the Headmistress of the same institution, has also apparently turned against him. I hasten to add that I do not propose to enter into areas of conflict. But the above observation has been made only to alert the authority, to which I propose to issue certain directions.

3. Having regard to the entire facts and circumstances this writ petition is disposed of with a direction to the Deputy Director of Education, Malappuram to take a decision with regard to the continuance of suspension of the petitioner in terms of the provisions contained under Rule 67(8)(A) of Chapter XIV-A KER.

It will be open to the petitioner to make a representation before the said authority seeking review within two weeks from today. The Officer concerned shall take a decision in the matter after affording

sufficient opportunity to the petitioner and the Manager also, strictly on its merit and in accordance with law as expeditiously as possible at any rate within one month from the date of receipt of the representation referred to above.

Petitioner shall produce a certified copy of the judgment along with a copy of the writ petition and other relevant documents before respondent No.1 for compliance.

A.K. Basheer
Judge.

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